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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**AMENDED OBJECTION OF USACM
TRUST TO AUGUSTINE TUFFANELLI
FAMILY TRUST'S CLAIM; AND
CERTIFICATE OF SERVICE (Amended
to Correct Claim Number Only)**

Hearing Date: April 10, 2009
Hearing Time: 9:30 a.m.

Augustine Tuffanelli Family Trust ("ATFT") filed Proof of Claim No. 10725-02572 against USA Commercial Mortgage Company ("USACM") in the amount of \$100,000.00 on September 24, 2007. The USACM Liquidating Trust (the "USACM Trust") objects to ATFT's claim because it is untimely and duplicative of a claim that has

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 already been disallowed by the Court because it is based upon an investment in USA
2 Capital Diversified Trust Deed Fund, LLC ("DTDF").

3 On August 6, 2006, ATFT filed proof of claim 10725-00090. The USACM Trust
4 objected to Claim No. 10725-00090 [DE 4799]. The contents of that objection are
5 incorporated here. The Court granted the objection and disallowed Claim No. 10725-
6 00090 [DE 5232] on the ground that it was not a claim against USACM. Within ten days
7 after USACM Trust filed the objection, AFTF filed proof of claim 10725-2572, a
8 duplicate of its previous claim.

9 USACM Trust objects to proof of claim 10725-2572 on the following grounds: (1)
10 it is untimely filed; it is duplicative of Claim No. 10725-00090, which the Court has
11 already disallowed; for the reasons stated in the USACM Trust's objection to Claim No.
12 10725-00090 [DE 4799]. The USACM Trust respectfully requests that this claim be
13 disallowed in its entirety.. This objection is made pursuant to Bankruptcy Code section
14 502, Federal Rule of Bankruptcy Procedure 3007, and Local Rule of Bankruptcy Practice
15 3007.

16 Dated: February 26, 2009.

17 **LEWIS AND ROCA LLP**

18
19 By /s/ John Hinderaker (018024)

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26 *Attorneys for USACM Liquidating Trust*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via first class mail, postage prepaid, addressed as set forth below, on this 26th day of February, 2009 to:

Augustine Tuffanelli Family Trust
Augustine Tuffanelli Trustee
c/o Thomas R Brooksbank
689 Sierra Rose Drive, Suite A2
Reno, NV 89511

Augustine Tuffanelli Family Trust
c/o Augustine Tuffanelli Trustee
2260 Mohigan Way
Las Vegas, NV 89109-3374

By /s/ Carrie Lawrence
Carrie Lawrence, Lewis and Roca LLP